



# United States Department of the Interior

NATIONAL PARK SERVICE  
Mississippi National River and Recreation Area  
111 E. Kellogg Blvd., Ste 105  
St. Paul, Minnesota 55101-1256

IN REPLY REFER TO:

L3033

May 11, 2016

Saint Paul Parks and Recreation Commission  
25 W. 4<sup>th</sup> Street  
400 City Hall Annex  
Saint Paul, MN 55102

RE: Resolution # 16-03 – Addition of the City of Saint Paul, Department of Parks and Recreation Concerns On the Latest Mississippi River Corridor Critical Area Draft Rules to the Other Concerns of the City of Saint Paul

Dear Members of the Saint Paul Parks and Recreation Commission:

Thank you for the opportunity to provide comments at the Saint Paul Parks and Recreation Commission meeting on May 11, 2016 regarding the draft Mississippi River Corridor Critical Area rules (Draft Rules). The Draft Rules are very important to the Mississippi National River and Recreation Area, a unit of the National Park Service. We are concerned that Resolution # 16-03 is not consistent with the City of Saint Paul's adopted plans and policies.

The Saint Paul Parks and Recreation Commission Resolution # 16-03 raises concerns about the Draft Rules that we find perplexing, given what is already in the City of Saint Paul's Zoning Code (Zoning Code). The Resolution states:

WHEREAS, the Commission has concerns about the Draft Rules regarding but not limited to on buildings height limits and rivers setbacks for park buildings and other park facilities, required bluff setbacks, prohibition of development on slopes greater than 18% (approximately 1 foot height to 5 foot length), and permit requirements for vegetation management; and

Yet, the analysis below shows that there is very little difference between the existing Zoning Code and the proposed rules.

## **Building height limits and river setbacks for park buildings and other park facilities**

Building height limits and river setbacks for park buildings and other facilities are not new to the Draft Rules and they currently exist within the Zoning Code. The following tables are a comparison of the applicable standards from the Draft Rules and the Zoning Code.

### Draft Rules (6106.0120)

	CA-ROS	CA-RN	CA-RTC	CA-UM
Building Height Limits	35ft	35ft	48ft (> CUP)	65ft (> CUP)
River Setbacks	200ft	100ft	75ft	50ft

### Zoning Code (Chapter 66 and Sec. 68.402)

	Residential	Traditional Neighborhood	Business	Industrial	River Corridor – RC3
Building Height Limits	30-50ft	35ft-55ft	30ft	50-75ft	40ft

	Natural Environment Waters	General Development Waters
River Setbacks	200ft	75ft

Park buildings and facilities currently must comply with the Zoning Code, which places limits on building heights and implements river setbacks. In most cases, the Draft Rules and Zoning Code align very closely in regards to building height limits and river setbacks. In fact, the Draft Rules provide many exemptions to the height limits and setbacks for public recreational facilities including accessory structures, picnic shelters and other open sided structures, parking areas, roads and driveways, natural and hard-surfaced trails, water access ramps, and public signs and kiosks (6106.0180).

#### **Bluff setbacks and prohibition on development on slopes greater than 18%**

Again, bluff setbacks and development restrictions on slopes greater than 18% exist within the Zoning Code. Sec 68.402 (b) of the Zoning Code states that:

1. No commercial or industrial development shall be permitted on slopes greater than twelve percent
2. No residential development shall be permitted on slopes greater than eighteen percent
3. Bluff development shall take place at least forty feet landward of all bluff lines

Sec. 69.508 of the Zoning Code states that "Newly created lots must allow for a minimum setback for development of forty feet from the top of the bluff lines as defined by the comprehensive plan. Lot arrangement shall avoid, wherever possible, the placement of structures on eighteen percent slope or steeper, or the necessity to alter such slopes for purposes of construction."

#### Draft Rules (6106.0120 Subp.3(b))

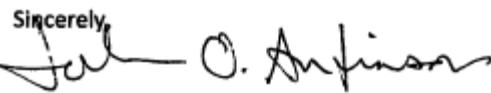
	CA-ROS	CA-RN	CA-RTC	CA-UM
Bluff line Setbacks	100ft	40ft	40ft	40ft
Bluff impact zone	20ft	20ft	20ft	20ft

*\*Bluff impact zone – structures may not be located on or within 20ft of a bluff*

The Draft Rules and Zoning Code align very closely regarding bluff setbacks and restrictions on slopes greater than 18% and in many instances the Zoning Code is more restrictive. The Draft Rules also provide many exemptions to bluff setbacks and the bluff impact zone for public recreational facilities including accessory structures, picnic shelters and other open sided structures (bluff setback), parking areas, roads and driveways, natural and hard-surfaced trails, water access ramps, and public signs and kiosks (6106.0180).

It seems contradictory for the City of Saint Paul and the Parks and Recreation Commission to express concerns regarding elements of the Draft Rules that either already exist in or align very closely to the Zoning Code. It would be helpful for the Department of Parks and Recreation to identify specific examples where the Draft Rules (in comparison to the Zoning Code) would be prohibitive to their plans in regards to building heights, river setbacks, bluffs and slopes greater than 18%. These examples would better inform the discussion, validate or negate the concerns, and enable better decision making for the City of Saint Paul.

If you have questions please contact Rory Stierler at 651-293-8440.

Sincerely,  


John O. Anfinson  
Superintendent